

05-30-01

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GP/1624

CASE 4-30096/A



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EL138343039US

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May 29, 2001

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 01 2001

IN RE APPLICATION OF

Art Unit: 1624

ZIMMERMANN ET AL.

Examiner: Emily Bernhardt

TECH CENTER 1600/2900

APPLICATION NO: 09/463,097

FILED: JANUARY 18, 2000

FOR: CRYSTAL MODIFICATION OF A N-PHENYL-2-PYRIMIDINEAMINE
DERIVATIVE, PROCESSES FOR ITS MANUFACTURE AND ITS
USE

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. 181 TO WITHDRAW THE HOLDING OF ABANDONMENT

Sir:

In response to the Notice of Abandonment dated May 7, 2001, which held that the above-identified application was abandoned due to applicant's failure to respond to the Office action dated September 28, 2000, applicants hereby petition for withdrawal of the holding of abandonment.

REMARKS

Applicants have received a Notice of Abandonment dated May 7, 2001 holding that the above-identified application was abandoned due to applicant's failure to respond to the Office action dated September 28, 2000. However, Applicants did file a timely response to the Office action on March 28, 2001, along with a Petition for Extension of Time which requested a three month extension of the period for response. The response and Petition for Extension of Time (collectively the "Response") were sent by Express Mail and each had printed thereon the number of the Express Mailing Label and the date of the deposit with the U.S. Postal Service. In addition, Applicants received a return postcard receipt from the U.S.P.T.O. indicating that the Response was

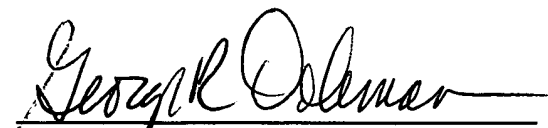
given a filing date of March 28, 2001. Enclosed are a copy of (1) post card receipt with a March 28, 2001 U.S.P.T.O. date stamp and (2) the Response.

Applicants believe that no additional fee is due. However, if a fee is required, the Commissioner is authorized to deduct said fee from Deposit Account No. 19-0134.

In view of attachments and the discussion above, Applicants request withdrawal of the holding of abandonment dated May 7, 2001.

Respectfully submitted,

Novartis Corporation
Patent and Trademark Dept.
564 Morris Avenue
Summit, NJ 07901-1027
(908) 522-6922


George R. Dohmann
Attorney for Applicants
Reg. No. 33,593

Date: May 29, 2001



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TECH CENTER 1600/2900

Case No: 4-3096/A
Application No: 09/463,091
Mailing Date: 3/28/2001
Due Date: 3/28/2001

Express Mail No.: EL138342872US

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

☒ Amendment/Response/Letter - Fee \$ _____

☐ Appln. Filing Papers - Fee \$ _____

☐ PCT National Stage

☐ Provisional Application

☐ CPA ☐ DIV ☐ CONT ☐ CIP

☐ Specification _____ Pg's _____

☐ Executed/Unexecuted Decl. - Fee \$ _____

☐ Missing Parts/Missing Req.

☐ Preliminary Amendment _____ Pg's _____

☐ Claim of Priority ☐ Certified Copy(s)

☐ Amendment After Final

☐ Notice of Appeal - Fee \$ _____

☐ Appeal Brief - Fee \$ _____

☐ Issue Fee Payment \$ _____

☐ Assignment Rec. Req. - Fee \$ _____

☐ Formal Drawings _____ Pg's _____

☐ IDS _____ Pg's - Fee \$ _____

☐ PTO-1449 Form _____ Pg's _____

☒ Pet. for Ext. of Time - Fee \$ 890.00

☐ Pet. to Convert to Prov. Appln. - Fee \$ _____

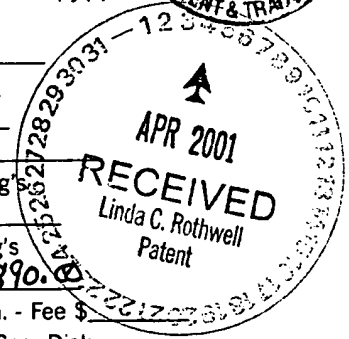
☐ Seq. Listings _____ Pg's/Seq. Disk

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GRD

Initials



82972/99A